

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

**MICHAEL BAZZREA, *et al***

**Plaintiffs,**

**v.**

**LLOYD AUSTIN, III, *et al.*,**

**Defendants.**

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**Case No. 3:22-cv-00265**

**MOTION FOR LEAVE TO  
FILE SUPPLEMENTAL  
AUTHORITY**

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**PLAINTIFFS’ UNOPPOSED MOTION  
FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY**

Plaintiffs submitted a Motion for Preliminary Injunction on Aug. 16 (ECF 17). The issue has been fully briefed by both parties and this past Tuesday, Nov. 29, 2022, the Court set the matter for hearing (ECF 58). On the same day, the Sixth Circuit Court of Appeals handed down its decision in *Doster v. Kendall*, No. 1:22-cv-00084 (S.D. Oh.)(App. No. 22-3497/3702). Because of the similarity of both legal and factual issues to the case at bar, the Plaintiffs Move to file it as supplemental authority for the Court’s consideration. The Defendants do not oppose the Motion.

A court should grant leave to file supplemental authority where the movant “show[s] that it has new information that was not available at the time it filed its [earlier motion]” and “demonstrates that this information is relevant to the Court’s ... analysis and would therefore aid the justiciable disposition of [the] case.” *Silvas v. Equifax Info. Services, LLC*, 3:19-CV-2932-K, 2020 WL 4000848, at \*2 (N.D.

Tex. July 15, 2020) (*quoting Hoffman v. AmericaHomeKey, Inc.*, 2014 WL 12577347, at \*1–2 (N.D. Tex. July 29, 2014)) (granting leave to file supplemental authority concerning three cases that were not available during the initial briefing and which were relevant to the court’s analysis).

Plaintiffs in these proceedings have previously cited to *Doster* and other related, military RFRA cases; the *Doster* decision addresses many of the same legal issues and arguments by both parties. Given the nature of service in the Armed Forces, the *Doster* decision also addresses very similar factual circumstances to those of the Plaintiffs and Defendants here.

Dated: December 5, 2022

Respectfully submitted,

/s/ Dale Saran

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*Attorneys for the Plaintiffs*

**CERTIFICATE OF SERVICE**

This is to certify that I have on this day e-filed the foregoing Motion using the CM/ECF system.

Dated: December 5, 2022

Respectfully Submitted,

/s/ Dale Saran  
Dale Saran

**CERTIFICATE OF CONFERENCE**

I hereby certify that I conferred with counsel for Defendants by email on December 2, 2022, and that Defendants do NOT oppose this motion.

/s/ Dale Saran  
Dale Saran